

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Nibardo SANDOVAL-Barron,

Defendant(s)

) Magistrate Case No.

08 MJ 1318

) COMPLAINT FOR VIOLATION OF:

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal

) Aliens

FILED
2008 APR 28 PM 12:19

KWH

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **April 27, 2008**, within the Southern District of California, defendant **Nibardo SANDOVAL-Barron** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan GONZALEZ-Mendez, Jorge LOPEZ-Ramirez,** and **Rolando ROJAS-Ramirez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Frombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF APRIL 2008



Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Nibardo SANDOVAL-Barron****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Juan GONZALEZ-Mendez**, **Jorge LOPEZ-Ramirez**, and **Rolando ROJAS-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 27, 2008, at approximately 6:25 a.m., Border Patrol Agent G. Pettigrew responded to a citizen's report of a large group of suspected illegal aliens loading into the back of a blue colored commercial box truck in an area known as the JVR Rock. This area is located on Jewell Valley Road approximately two miles south of Old Highway 80. A follow-up report from the same citizen stated that the truck was now stopped at the intersection of Jewell Valley Road and Old Highway 80. Agent Pettigrew arrived at the intersection and spotted the truck stopped at intersection with one visible occupant. Agent Pettigrew, in full uniform, exited his service vehicle and signaled to the driver of the truck to stop. The agent instructed the driver to shut the engine off and step out of the truck; the driver complied with Agent Pettigrew's instructions. Agent Pettigrew identified himself as a Border Patrol Agent and questioned the driver as to his citizenship. The driver, later identified as the defendant **Nirbardo SANDOVAL-Barron**, stated that he was a citizen and national of Mexico without any documents that would allow him to be or remain in the United States legally. At approximately 6:30 a.m., Agent Pettigrew placed the defendant under arrest.

Agent Pettigrew approached the back of the truck and noticed a slight movement of the truck. Agent Pettigrew opened the back of the truck and found 21 individuals hiding inside. The 21 individuals that were hiding in the box truck were questioned as to their citizenship by Field Operations Supervisor C. Allen. All 21 individuals admitted to being citizens and nationals of Mexico without having any immigration documents that would allow them to be or remain in the United States legally. The defendant, the 21 illegal aliens and the box truck were taken to the Boulevard Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico.

The defendant stated that he made arrangements with an unknown foot guide while being smuggled into the United States to drive the truck in lieu of paying a fee of \$1800.00 USD. He was also go to paid \$800.00 for his services. The foot guide gave him instructions regarding a big blue cargo truck picking them up. The defendant stated that he was told to drive the truck to Los Angeles, California.

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CONTINUATION OF COMPLAINT:

Nibardo SANDOVAL-Barron

MATERIAL WITNESSES STATEMENTS:

Material witnesses Juan GONZALEZ-Mendez, Jorge LOPEZ-Ramirez and Rolando ROJAS-Ramirez admitted to being citizens and nationals of Mexico. They stated that they made smuggling arrangements in Mexico. They were to pay \$1,800.00 USD and were to be taken to locations in California. They stated that on April 26, 2008, they were brought to the United States International Border and were instructed to come across the border and hide near a ranch close to a road known as Jewel Valley Road and they were to hide there until a big blue truck would pick them up.